REMARKS

Claims 3, 4, 5 and 8 and 9 are pending. By this Response, claims 3, 4, 8 and 9 are amended. Applicant respectfully requests reconsideration and allowance based on the above-amendments and below comments.

The Office action rejects claims 3-5 and 8 and 9 under 35 U.S.C. §103(a) as being unpatentable over Toyofuku, et al. (2001/0048465) in view of Suzuki (US 5,724,579). This rejection is respectfully traversed.

Independent claims 3, 4, 8 and 9 each recite, *inter alia*, features directed to determining the related images corresponding to selected image and deciding whether to collectively erase the selected and related images. Upon deciding to collectively erase the images, all the related images, including the selected images are erased. Each of the claims further recite that the images are part of a panoramic image or consecutive images.

Specifically, claim 3 recites, *inter alia*, an image processing apparatus comprising: a memory; an image selector; a determination device; an eraser; a display; a decision device which decides whether to collectively erase the selected image and the images relating to the selected image from the memory, wherein the eraser erases the selected image and all the images related to the selected image from the memory if the decision device decides to collectively erase the selected image and all the images relating to the selected image, and wherein the additional information presents whether or not the image

concerning the additional information is a part of panoramic image composed of at least two of the plurality of images stored in the memory.

Claim 4 recites, *inter alia,* an image processing apparatus, comprising: a memory which stores a plurality of captured images and additional information concerning the images; an image selector; a determination device; an eraser; a display; and a decision device which decides whether to collectively erase the selected image and all the images relating to the selected image from the memory, wherein the eraser erases the selected image and all the images relating to the selected image from the memory if the decision device decides to collectively erase the selected image and all the images relating to the selected image, and wherein the additional information represents whether or not the image concerning the additional information is part of a sequence of at least two of the plurality of images stored in the memory that were consecutively captured.

Claim 8 recites, *inter alia,* a method for erasing an image from a memory, comprising the steps of: selecting the image to be erased; reading an additional information concerning the image selected in the selecting step; determining whether or not the selected image to be erased relates to at least one of the plurality of images stored in the memory with reference to the additional information read in the reading step; erasing the selected image; prohibiting the selected image to be erased from actually being erased independently if it is determined that the selected image to be erased relates to at least one of the

plurality of images stored in the memory in the determining step; if it is determined that the selected image to be erased relates to at least one of the plurality of images stored in the memory in a determining step, displaying the selected image to be erased is prohibited from being erased independently, and deciding whether to collectively erase the selected image and all the images relating to the selected image to be erased from the memory; and erasing the selected image and all the images relating to the selected image from the memory if it is decided to collectively erase the selected image and the images relating to the selected image from the memory and the deciding steps, wherein the additional information represents whether or not the image concerning the additional information is part of a panoramic image composed of at least two of the plurality of the images stored in the memory.

Claim 9 recites, *inter alia*, a method for erasing an image from a memory, comprising the steps of: selecting the image to be erased from a plurality of captured images stored in the memory; reading an additional information concerning the image selected in the selecting step; determining whether or not the selected image to be erased relates to at least one of the plurality of images; erasing the selected image from the memory; prohibiting the selected image to be erased from actually being erased independently if it is determined that the selected image to be erased relates to at least one of the plurality of images stored in the memory and the determining steps; if it is determined that the selected image to be erased relates to at least one of the plurality of images

stored in the memory and the determining step, displaying the selected image to be erased is prohibited from being erased independently, and deciding whether to collectively erase the selected image and all the images relating to the selected image to be erased from the memory; and erasing the selected image and all the images relating to the selected image from the memory if it is decided to collectively erase the selected image and the images relating to the selected image from a memory in the deciding step, wherein the additional information represents whether or not the image concerning the additional information is a part of a sequence of at least two of the plurality of images stored in the memory that were consecutively captured.

The References Fail to Teach all the Claimed Features

Toyofuku teaches a photographing device that obtains digital images and classifies those images. The protection card may be associated with each of the digital images. When the user desires to erase an image and the digital image includes the protection code, a warning is issued indicating that this particularly image is protected. If no protection code is attached to the image and the image is part of a panorama, a warning is issued that the image is part of the panoramic images. At this point, a user can protect the image by the protection code or erase the image. In any event, a user must manually select the image to be erased and independently erase each image. See paragraphs

136 through 149. Nowhere in Toyofuku does it teach or suggest erasing the panoramic images collectively. The images must be erased individually.

The Office Action relies upon Suzuki to provide the teaching of collectively erasing related images. Suzuki teaches an image processing apparatus that is capable of processing image data quickly. This is accomplished by creating subordinate images associated with a single main image. The subordinate images are thinned or contracted images of the main image and used in various processing applications. When a user desires the subordinate images may be erased collectively. See column 6, line 1-5. In other embodiments of Suzuki, erasing of a main image will also lead to erasing of its subordinate images. Suzuki does not state that this is collectively accomplished, but merely states that upon erasing of a main image it is possible to erase the subordinate images also. See column 19, lines 15-56.

Although Suzuki teaches erasing of related images, these images are related by the fact that they are produced from a single image. Applicant's claims recite that the relates images are determined based on additional information. The additional information as recited in the independent claim states that the relates images are part of a panoramic image, as recited in claims 3 and 8 or part of a sequence of at least two images consecutively captured, as recited claims 4 and 9. Suzuki does not teach or suggest collectively erasing related images that are part of a panoramic image or consecutively captured images.

Thus, neither Toyofuku or Suzuki teach all the claimed elements as required in combining teachings under 35 U.S.C. §103.

Lack of Motivation

Toyofuku teaches digital image capturing device that uses panoramic images. Toyofuku, however, does not teach or suggest collectively erasing panoramic images. To the contrary, Toyofuku teaches independently erasing each individual image whether or not they are part of a panoramic image or not.

Suzuki, teaches collectively erasing images that are related solely because they are derived from a single image. Suzuki does not teach or suggest using panoramic images or consecutively captured images in any manner.

Within each of the references, there is no motivation to provide collectively erasing of panoramic images or consecutively captured images. Therefore, motivation must be derived by whether one of ordinary skill would combine Suzuki's related image erasing techniques with Toyofuku's panoramic image operations. Applicants respectfully submit that one of ordinary skill would not be motivated to make such a combination. Suzuki's related images are derived from a single image. The subordinate images are not captured images, they are images derived from a single captured images. This is clearly distinctive from images that are independently captured and are separate

images forming a panoramic image or consecutively captured images. How images derived from a single image and individually captured images are processed are entirely different. One of ordinary skill in the art who is looking to enhance applications using panoramic or consecutively captured images would not look to images which are derived from a single image and are not independently captured images like the images making up a panoramic image or consecutively captured images. At best, one of ordinary skill in the art may be motivated to enact in the capturing apparatus of Toyofuku a process of deriving sub-images from a single image and collectively erasing the sub-images.

Withdrawal of the Rejection

In view of the above, applicant respectfully submits that a *prima facie* case of obviousness has failed to be established. Specifically, the references fail to teach all the claim limitations, as required and each of the references and one of ordinary skill lack motivation to combine their teachings. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

It appears that impermissible hindsight is being used to stretch Toyofuku's teachings to allegedly produce applicant's claimed features. Obviousness cannot be established by hindsight combination to produce the claimed invention. In re Gorman, 933 F.2d 982, 986, 18 USPQ2d 1885, 1888

(Fed. Cir. 1991). It is the prior art itself, and not the applicant's achievement, that must establish the obviousness of the combination. Therefore, applicant submits that the only motivation to make such modifications to Suzuki and Toyofuku is based on an impermissible hindsight reference to applicant's specification.

Therefore motivation to combine the teaches of Toyofuku and Suzuki is not found in the references or by one of ordinary skill as required.

In view of the above, applicant respectfully requests reconsideration and withdrawal of the rejection.

Conclusion

For at least these reasons, it is respectfully submitted that claims 3-5 and 8-9 are distinguishable over the cited art. Favorable consideration and prompt allowance are earnestly solicited.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Chad J. Billings (Reg. No. 48,917) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

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Attachment(s)